

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., and
T.D.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS, a Utah
corporation,

Defendants.

NO. 04-2338 RSM

ORDER ON DEFENDANTS'
MOTIONS IN LIMINE

[PROPOSED]

Defendants have filed motions in limine. The Court has considered Defendants' motions, the Plaintiff's opposition, and Defendants' reply. The Court hereby rules on these motions as follows:

1. An order excluding all evidence relating to Jack Loholt after January 1973, including his criminal convictions and his counseling at LDS Social Services, is

_____ GRANTED _____ DENIED _____ RESERVED.

ORDER - 1
No. 04-2338 RSM

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1 2. An order precluding Plaintiff from offering the testimony of his rebuttal expert,
2
3 Dr. Newberger, is **GRANTED** **DENIED** **RESERVED**.
4

5 3. An order precluding Plaintiff from referring to Irwin Dreiblatt, Ph.D., an expert
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7 not called as a witness, is **GRANTED** **DENIED** **RESERVED**.
8

9 4. An order excluding evidence regarding changes in the church's policies regarding
10
11 the handling, investigation or reporting of sexual abuse allegations is
12
13 **GRANTED** **DENIED** **RESERVED**.
14

15 5. An order excluding any settlement demands, offers, or other exchanges of
16
17 information/documentation regarding resolution of the case is **GRANTED**
18
19 **DENIED** **RESERVED**.
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21 6. An order excluding reference to the fact that any jury award will be shared with
22
23 plaintiff's attorneys is **GRANTED** **DENIED** **RESERVED**.
24

25 7. An order excluding any testimony or documentation regarding the church's
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27 assets, finances, or policies and practices regarding tithing is
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29 **GRANTED** **DENIED** **RESERVED**.
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31 8. An order excluding testimony or documentation regarding COP's insurance
32
33 coverage or lack thereof is **GRANTED** **DENIED** **RESERVED**.
34

35 9. An order precluding witnesses and counsel from referring to the Allenbach home
36
37 as a "compound" is **GRANTED** **DENIED** **RESERVED**.
38

39 10. An order precluding plaintiff from offering evidence to contradict the church's
40
41 interpretation of its own doctrine, including but not limited to the meaning of "high priest" is
42
43 **GRANTED** **DENIED** **RESERVED**.
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45

1 11. An order excluding the Encyclopedia of Mormonism and any reference thereto is

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3 **GRANTED** **DENIED** **RESERVED.**

4
5 12. An order excluding Mrs. Kelly's testimony that Dr. Allenbach was a "bishop" and
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7 "very high in the church" is **GRANTED** **DENIED** **RESERVED.**

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9 13. An order excluding any reference to and/or introduction of evidence of other
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11 lawsuits or claims made against defendant COP is **GRANTED** **DENIED**
12
13 **RESERVED.**

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15 14. An order excluding any reference to and/or introduction of evidence regarding
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17 lawsuits or claims against other religious denominations for sexual abuse of children made is
18
19 **GRANTED** **DENIED** **RESERVED.**

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21 15. An order excluding the admission of prior deposition testimony of Dwayne
22
23 Liddell and Harold Brown from another case is **GRANTED** **DENIED**
24
25 **RESERVED.**

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27 16. An order excluding medical or psychological testimony of any witness who is not
28
29 qualified to express such opinions is **GRANTED** **DENIED** **RESERVED.**

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31 17. An order excluding lay witnesses from testifying regarding their interpretation of
32
33 RCW 26.44, or their lay opinions regarding legal obligations to report childhood sexual abuse is
34
35 **GRANTED** **DENIED** **RESERVED.**

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37 18. An order precluding plaintiffs' counsel from asking the jury to place themselves
38
39 in the position of plaintiffs is **GRANTED** **DENIED** **RESERVED.**

1 19. An order precluding plaintiff from presenting evidence on or seeking relief on any
2 theory of liability or damages not set forth in plaintiffs' Complaint is _____ **GRANTED**
3
4 _____ **DENIED** _____ **RESERVED**.
5

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7 20. An order excluding all non-party witnesses from the courtroom during trial is
8
9 _____ **GRANTED** _____ **DENIED** _____ **RESERVED**.
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11 21. An order precluding counsel from displaying any exhibits before the jury until
12 each exhibit is admitted by this Court into evidence, or until permission has been obtained from
13 the Court is _____ **GRANTED** _____ **DENIED** _____ **RESERVED**.
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17 22. An order requiring the parties to give the other side 24-hours' notice before any
18 non-party witness is called, or before any deposition is offered is _____ **GRANTED**
19
20 _____ **DENIED** _____ **RESERVED**.
21

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23 23. An order barring mention that any motions in limine were filed and/or argued
24 before this Court is _____ **GRANTED** _____ **DENIED** _____ **RESERVED**.
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26
27 DATED this _____ day of _____, 2006
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32 _____
33 THE HONORABLE RICARDO S. MARTINEZ
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3 Presented by:

4 **GORDON MURRAY TILDEN LLP**

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12 Attorneys for Defendant The Corporation of the

13 President of The Church of Jesus Christ of Latter-Day Saints
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